

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DUSTIN ROSS KELLEY,

Petitioner,

v.

RONALD FRAKER,

Respondent.

CASE NO. C12-5993 BHS-JRC

ORDER DIRECTING SERVICE
AND RETURN, §2254 PETITION

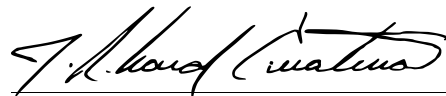
(1) The clerk shall arrange for service by certified mail upon respondent and the Attorney General for the State of Washington, copies of the petition, all documents in support thereof. All costs of service shall be advanced by the United States. The Clerk shall assemble the necessary documents to effect service.

(2) Within forty-five (45) days after such service, respondent(s) shall file and serve an answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States District Courts. As part of such answer, respondent(s) should state whether petitioner has exhausted available state remedies, whether an evidentiary hearing is necessary, and whether

1 there is any issue of abuse or delay under Rule 9. Respondent(s) shall file the answer with the
2 Clerk of the Court and serve a copy of the answer upon petitioner.

3 (3) The answer will be treated in accordance with Local Rule CR 7. Accordingly,
4 upon receipt of the answer the Clerk will note the matter for consideration on the fourth Friday
5 after the answer is filed, petitioner may file and serve a response not later than on the Monday
6 immediately preceding the Friday appointed for consideration of the matter, and respondent may
7 file and serve a reply brief not later than on the Thursday immediately preceding the Friday
8 designated for consideration of the matter.

9 Dated this 15th day of January, 2013.

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12 J. Richard Creatura
13 United States Magistrate Judge
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